

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. SACV 13-00947-CJC(JPRx) Date November 1, 2013  
Title Evelyn Smiles v. C R Bard, Inc., et al

Present: The CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE  
Honorable

Michelle Urie

Not Reported

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

**Proceedings:** (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION

The Court, on its own motion, hereby ORDERS plaintiff's counsel, to show cause in writing no later than **November 15, 2013**, why this action should not be dismissed for lack of prosecution. As an alternative to a written response by plaintiff, the Court will consider the filing of one of the following, as an appropriate response to this OSC, on or before the above date:

- X Proof of service of summons and complaint  
X Notice of Voluntary Dismissal (FRCivP 41)

Absent a showing of good cause, an action shall be dismissed if the summons and complaint have not been served upon all defendants within 120 days after the filing of the complaint. Fed. R. Civ. P. 4 (m). The Court may dismiss the action prior to the expiration of such time, however, if plaintiffs have not diligently prosecuted the action.

It is plaintiff's responsibility to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiffs must also pursue Rule 55 remedies promptly upon the default of any defendant. All stipulations affecting the progress of the case must be approved by the Court. Local Rule 8.3.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiffs is due.

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